

CLARISSE L. CRISOSTOMO, ESQ., Bar No. 15526

Email: clarisse@nv-lawfirm.com

ATKINSON LAW ASSOCIATES LTD.

376 E Warm Springs Rd, Suite 130

Las Vegas, NV 89119

Telephone: (702) 614-0600

Attorney for Robert E. Atkinson, Trustee

**UNITED STATES BANKRUPTCY COURT
FOR THE DISTRICT OF NEVADA**

In re:

INFINITY CAPITAL MANAGEMENT, INC.
dba INFINITY HEALTH CONNECTIONS;

Debtor.

Case No. 21-14486-abl
Chapter 7

**DECLARATION OF
ROBERT E. ATKINSON**

I, ROBERT E. ATKINSON hereby declare:

1. I am over the age of 18 and have personal knowledge of the facts stated herein. Such personal knowledge is based upon my own acts, the records obtained in this case, my own investigations, and discussions with my employed auctioneer. I am competent to testify to the same.
2. I am the trustee of the above-captioned bankruptcy estate.
3. I make this declaration in support of the EX PARTE MOTION FOR ORDER SHORTENING TIME ("OST Motion"), which seeks an order shortening time for hearing on the underlying motion entitled MOTION TO: (I) APPROVE SALE OF CERTAIN ASSETS; (II) SET SALE/AUCTION PROCEDURES; AND (III) SET AUCTION HEARING DATE ("Motion"), and make these statements based on my personal knowledge, except as to those matters stated upon information and belief.
4. Pre-petition, debtor Infinity Capital Management Inc. ("Debtor") was engaged in the business of purchasing receivables from medical providers.

5. Creditor HASelect-Medical Receivables Litigation Finance Fund International SP (“HASelect”) is a secured creditor of the Debtor. Their pre-petition perfected security interest covers all assets of the Debtor.

6. Tecumseh – Infinity Medical Receivable Fund, LP (“Tecumseh”) has asserted in this case that the Tecumseh Receivables are its property, not property of the Bankruptcy Estate.

7. The Tecumseh Receivables have been generating money. I received the following funds from the Debtor’s principal, which have been deposited into segregated estate bank accounts:

- A total of \$75,402.85 in checks from certain of the Tecumseh Receivables (the “TIF Checks”)
- A total of \$13,400.00 in checks from certain of the Tecumseh Receivables (the “TIF+HAS Checks”).

8. I have agreed to sell the following assets (collectively, the “Assets”) to HASelect, on the terms and conditions contained in the Asset Purchase Agreement attached as Exhibit 1 to the Motion (the “APA”):

- Whatever interest the Bankruptcy Estate has (if any) in the Tecumseh Receivables (inclusive of the \$75,402.85 in monies from the TIF Checks, and the \$13,400.00 in monies from the TIF+HAS Checks), subject to the rights, title, and interests that Tecumseh may have in this property, if any.
- All claims and causes of action that could be brought by the Trustee or the Bankruptcy Estate against any third party relating in any way to the Tecumseh Receivables, pursuant to (i) chapter five of title 11 of the United States Code, or (ii) all applicable or relevant state or federal laws (collectively, the “Claims”). For avoidance of doubt, the Claims include, but are not limited to, all causes of action that could be brought by the Trustee pursuant to Sections 542, 543, 544, 545, 547, 548, 549, 550, 551, 552, and 553 of the United States Bankruptcy Code for any matter relating in any way to the Tecumseh Receivables.
- All books and records related to the foregoing that the Bankruptcy Estate currently has in its possession.

10. The purchase price for the Assets is \$100,000.00 (“**Initial Purchase Price**”). That amount is subject to overbid at auction, to be held by the Bankruptcy Court. HASelect is aware that an auction will be held to identify any possible overbids.

12. The Court has heard several times in this case so far that the Tecumseh Receivables are or will be a “melting ice cube”. Although I do not believe that any wasting of that asset has yet occurred – it’s been only 11 weeks since the Petition Date – Tecumseh has expressed concerns that further delay without servicing will be detrimental.

I declare under penalty of perjury that the foregoing is true and correct, to the best of my knowledge, information, and belief.

ROBERT E. ATKINSON
CHAPTER 7 BANKRUPTCY TRUSTEE